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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,491	07/30/2003	Noel Thomas Roberts	NOT345-00/02239	9695

24118 7590 06/17/2005
 HEAD, JOHNSON & KACHIGIAN
 228 W 17TH PLACE
 TULSA, OK 74119

EXAMINER

SAFAVI, MICHAEL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,491

Applicant(s)

ROBERTS, NOEL THOMAS

Examiner

M. Safavi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Applicant's amendment filed March 21, 2005 is not fully compliant with 37 CFR 1.121 which requires that no claim text shall be presented for any claim in the claim listing with the status of "canceled".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richter, Jr. '139 in view of Dome '447 and Anderson et al. '601 when considering page 12 of the instant disclosure.

Richter, Jr. '139 discloses, Figs. 2 and 3, a pivotally connected elongated mattress support member for supporting a mattress, a plurality of expandable gaseous fluid cushion means 40/50 expandable and contractible in a vertical direction and removably positioned between a truck cab floor 72 and said mattress support member, and means 80 for applying a gaseous liquid under pressure to said expandable cushion means whereby the vertical position of said mattress support member can be adjusted and whereby said mattress support member is supported by said expandable cushion means. One or more hinge structures can be seen at 92. A valving means would inherently be connected to each of said expandable gaseous fluid cushion means, (any system involving selective insertion and removal of air utilizes a "valve means"), with

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Richter, Jr. '139 disclosing a pressurized air source used in association with a truck braking system, col. 2, lines 54-55 and col.3, lines 24-26.

Dome '447 discloses a suspension system for a mattress support member comprising a plurality of expandable gaseous fluid cushion means 40 including four expandable gaseous fluid cushion means adjacent each corner of the support member while Anderson et al. '601 teaches application of the expandable gaseous fluid cushion means at corners of the mattress support member. To have provided the Richter, Jr. '139 arrangement with an expandable gaseous fluid cushion means at each corner of the support member, thus providing a full and balanced support of the Richter, Jr. '139 support member, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Dome '447 when considering Anderson et al. '601.

Each of Richter, Jr. and Dome disclose cushion means that may have a different amount of pressure applied to each cushion as is set forth in col. 2, lines 52-60 and exemplified in Fig. 3 of Richter, Jr. while Dome discloses, col. 2, lines 45-68, that each respective cushion 40 is supplied with respective hoses emanating from a fitting attached to the outlet of valve 48. Such is equivalent to what is disclosed by the instant specification at lines 7-11 on page 12. With the instant disclosure setting forth a "well known" height adjustment "valving means", coupled with the disclosures of Richter, Jr. and Dome, it would have further been obvious to one having ordinary skill in the art at the time the invention was made to have provided the arrangement of Richter, as modified, with a valving means wherein one generalized air pressure source enters said

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valving means and further sub-divides to allow introduction to a plurality of subservient air hoses to thus, allow each of the expandable cushions of the modified Richter, Jr. arrangement to be actuated individually.

Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richter, Jr. '139 in view of Dome '447 and Anderson et al. '601 when considering page 12 of the instant disclosure as applied to claims 1, 4, and 5 above, and further in view of any of McCune, Trepele, Williams, and Love.

Each of McCune, Trepele, Williams, and Love teach use of a foldable mattress support base which can be folded and stored for use while traveling, page 1, lines 21-25 of McCune, page 1, lines 15-19 of Trepele, col. 1, lines 14-17 of Williams, and col. 1, lines 15-18 of Love. To have formed the modified Richter, Jr. support member as a foldable support base which can be folded and stored for use while traveling, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by any of McCune, Trepele, Williams, and Love. Further, it is well known that making an article portable or separable is an obvious expedient; see *In re Lindberg*, 194 F.2d 732, 93 USPQ 23 (CCPA 1952); *In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961).

Response to Arguments

Applicant's arguments filed March 21, 2005 have been fully considered but they are not persuasive. Each of Richter, Jr. and Dome disclose cushion means that may

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have a different amount of pressure applied to each cushion as is set forth in col. 2, lines 52-60 and exemplified in Fig. 3 of Richter, Jr. Dome discloses, col. 2, lines 45-68, that each respective cushion 40 is supplied with respective hoses emanating from a fitting attached to the outlet of valve 48. Such is equivalent to what is disclosed by the instant specification at lines 7-11 on page 12.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 354

M. Safavi
June 09, 2005